



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 20 2003

OFFICE OF  
CIVIL RIGHTS

**RETURN RECEIPT REQUESTED**

**Cert. No. 7003-0500-0003-8796-9878**

**In Reply Refer To:**

**EPA OCR File No. 4R-03-R2**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Re: Notification of Rejection of Administrative Complaint Concerning Widening of  
Corlies Avenue in Neptune Township, New Jersey**

Dear [REDACTED]:

The U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) received a copy of your May 26, 2003, letter to EPA Region 2 and EPA's Office of Environmental Justice (OEJ) asking for an investigation of the New Jersey Department of Transportation (NJDOT) and Neptune Township, New Jersey, with respect to the widening of Corlies Avenue in Neptune. Generally, you allege that the actions of the NJDOT and the Township of Neptune with respect to the widening of Corlies Avenue will place families in your lower-income, racially-mixed neighborhood in grave danger; that the Environmental Impact Statement process has been deliberately avoided; that over 70 homes, including yours, will be taken by eminent domain; and that there will be no protection for your health and safety when excavation begins. EPA Region 2 forwarded your letter to OCR for consideration as a complaint of discrimination on a prohibited basis in a program or activity receiving EPA assistance. OCR is responsible for investigating discrimination complaints filed with EPA against programs and activities that receive financial assistance from EPA. This letter is to notify you that OCR cannot accept your complaint for investigation for the reason given below.

EPA's nondiscrimination regulations are published in the Code of Federal Regulations at 40 C.F.R. Part 7. EPA's nondiscrimination regulations prohibit discrimination on the basis of race, color, national origin, sex, and handicap in programs and activities that receive financial assistance from EPA. Individuals who believe that they have been discriminated against in violation of EPA's nondiscrimination regulations, may file an administrative complaint with EPA. To be accepted for investigation, a discrimination complaint must meet the requirements in EPA's nondiscrimination regulations at 40 C.F.R. § 7.120. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act based on race, color, national origin, sex, or handicap that violates EPA's regulations. Third, it must be filed within 180 days of the alleged discriminatory act. And, fourth, because EPA's Title VI regulations only apply to

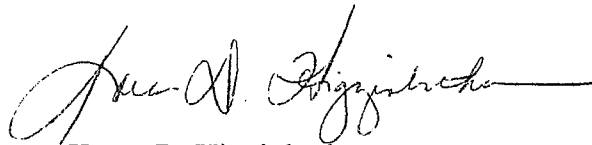
Internet Address (URL) • <http://www.epa.gov>

applicants for and recipients of EPA assistance, the complaint must identify an applicant of or recipient of EPA assistance that allegedly committed the discriminatory act.

After careful review, OCR has concluded that it cannot accept your complaint for investigation because you have not alleged discriminatory conduct in any program or activity receiving EPA financial assistance. Neither the NJDOT nor the Township of Neptune received any financial assistance from EPA. We understand, however, that the Federal Highway Administration (FHWA) is conducting an investigation into your allegations pursuant to your request.

If you have any questions, please contact Yasmin Yorker or Mike Mattheisen in OCR by telephone at 202-564-7272, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-1000.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen D. Higginbotham", with a long horizontal flourish extending to the right.

Karen D. Higginbotham  
Director

cc: Stephen Pressman  
Associate General Counsel  
Civil Rights Law Office (MC 2399A)  
Office of General Counsel

Barry Hill  
Director  
Office of Environmental Justice (MC 2201A)

Melva Hayden  
Title VI Contact  
EPA Region 2